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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,241	07/22/2003	Travis J. Parry	200207325-1	8613

22879 7590 07/30/2009
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EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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07/30/2009

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/625,241
Filing Date: July 22, 2003
Appellant(s): PARRY ET AL.

Steven L. Nichols
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/28/09 appealing from the Office action mailed 1/30/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,113,208	Benjamin et al.	9-2000
2003/0234957	Ohara	12-2003
6,332,062	Phillips et al.	12-2001
6,532,351	Richards et al.	3-2003
6,507,762	Amro et al.	1-2003
2005/0240518	Ishizuka	10-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1-3, 32, 36, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,113,208 to Benjamin et al. in view of U.S. Patent Application Publication No. 2003/0234957 to Ohara.

Regarding claim 1, Benjamin discloses a method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website).

Benjamin does not disclose expressly wherein said web content is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 32, Benjamin discloses a consumable for use with a printing device, said consumable comprising: a printing device consumable (see Fig. 2 **14**), a memory module attached to said printing device consumable (see Fig. 2 **20**), and web content stored on said memory module (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can

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automatically cause the printer's host processor to connect to the manufacturers website).

Benjamin does not disclose expressly wherein said web content is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 53, Benjamin discloses a method of providing web content for a printing device, said method comprising: storing web content on a memory module attached to a printing device consumable (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website), uploading said web content from said memory module to said printing device when said consumable is installed in said printing device (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website), and, said web content provided to said printing device with said memory module attached to said printing device consumable (see column 3 lines 12-20, column 4 lines 5-11 and 51-54, and column 4 line 62-column 5 line 5).

Benjamin does not disclose expressly serving up a web page with said printing device using an embedded web server.

Ohara discloses serving up a web page with said printing device using an embedded web server (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Benjamin & Ohara are combinable because they are from the same field of endeavor, providing web content to a printer device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedded web server, as described by Ohara, and which is well known in the art, with the system of Benjamin.

The suggestion/motivation for doing so would have been to quickly and efficiently view the URL stored on the RFID without putting added burden on the user.

Therefore, it would have been obvious to combine Ohara with Phillips to obtain the invention as specified in claims 1, 32, and 53.

Regarding claim 2, Benjamin further discloses installing said printing device consumable in said printing device (see column 3 lines 12-20) and interfacing said printing device and said memory module (see column 4 lines 51-54 and column 4 line 62-column 5 line 5).

Regarding claim 3, Benjamin further discloses uploading said web content from said memory module to a memory of said printing device (see column 4 lines 5-11).

Regarding claim 36, Benjamin further discloses a wired interface for said memory module for interfacing and communicating with a printing device (see column 3 lines 17-20).

2. Claims 1, 32-34 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,332,062) in view of U.S. Patent Application Publication No. 2003/0234957 to Ohara.

Regarding claim 1, Phillips discloses a method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30, reference states that a URL may be stored in the memory of the RFID and output for the user to see, the memory can store a vendor URL that can be transmitted to the printer).

Phillips does not disclose expressly wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 32, Phillips discloses a consumable for use with a printing device, said consumable comprising: a printing device consumable (see Figs. 2 and 3 **32** and column 3 lines 10-12), a memory module attached to said printing device consumable (see Figs. 2 and 3 **36**, column 2 lines 8-18, and column 3 lines 21-30, the memory can store a vendor URL that can be transmitted to the printer), and web content stored on said memory module (see Figs. 2 and 3 **50**, column 2 lines 8-18, and column 3 lines 21-30).

Phillips does not disclose expressly wherein said web content comprises content is included in a web page that is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 53, Phillips discloses a method of providing web content for a printing device, said method comprising: storing web content on a memory module attached to a printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30, reference states that a URL may be stored in the memory of the RFID and output for the user to see), uploading said web content from said memory module to said printing device when said consumable is installed in said printing device (see Figs. 2 and 3, column 2 lines 8-18, column 3 lines 21-30, column 3 line 45-column 4 line 5, and column 4 lines 57-60), and, said web content provided to said printing

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device with said memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Phillips does not disclose expressly serving up a web page with said printing device using an embedded web server.

Ohara discloses serving up a web page with said printing device using an embedded web server (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Phillips & Ohara are combinable because they are from the same field of endeavor, providing web content to a printer device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedded web server, as described by Ohara, and which is well known in the art, with the system of Phillips. Phillips shows a toner cartridge **32** with an attached memory tag **36** that can store such information as a vendor URL and transmits this information to a printer upon installation of the toner cartridge into the printer (column 2 lines 15-18 and column 3 lines 10-13 and 21-65). A URL is interpreted as "web content" per the applicant's specification which states that web content may include any information or programming used as, or as part of, a web page or a link, among a number of other things, (paragraph 20), of which a URL is consistent with. Ohara discloses a printer with an embedded web server **25** that creates and delivers a web page, which is specified by a URL (paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to combine the teachings of Phillips and Ohara to arrive at a system set forth in claim 32.

The suggestion/motivation for doing so would have been to quickly and efficiently view the URL stored on the RFID without putting added burden on the user.

Therefore, it would have been obvious to combine Ohara with Phillips to obtain the invention as specified in claims 32 and 53.

Regarding claim 33, Phillips further discloses a wireless interface for said memory module for interfacing and communicating with a printing device (see Fig. 3 **(36)** and column 3 lines 45-65).

Regarding claim 34, Phillips further discloses wherein said wireless interface comprises a radio frequency interface (see Fig. 3 **(36)** and column 3 lines 45-65).

3. Claim 4-6 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin and Ohara as applied to claims 2 and 32 above, and further in view of U.S. Patent No. 6,507,762 to Amro et al.

Regarding claim 4, Benjamin discloses a web content interface that connects said memory module to a memory of said printing device (see column 4 lines 5-11, 35-40, and 51-54).

Benjamin and Ohara do not disclose expressly uploading a web content interface.

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Amro discloses uploading an interface to allow communication between a portable digital device and an appliance (see column 6 lines 12-36).

Regarding claim 37, Benjamin discloses a web content interface that connects said memory module to a memory of said printing device (see column 4 lines 5-11, 35-40, and 51-54).

Benjamin and Ohara do not disclose expressly uploading a web content interface.

Amro discloses uploading an interface to allow communication between a portable digital device and an appliance (see column 6 lines 12-36).

Benjamin, Ohara, & Amro are combinable because they are from the same field of endeavor, communication/interfaces between devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the uploading of an interface to allow communication between devices, as described by Amro, with the system of Benjamin and Ohara. It is well known in the art that it may be necessary to upload an interface between two devices to allow proper communication.

The suggestion/motivation for doing so would have been to ensure proper communication between devices.

Therefore, it would have been obvious to combine Amro with Benjamin and Ohara to obtain the invention as specified in claims 4 and 37.

Regarding claim 5, Benjamin further discloses executing said web content interface with a controller of said printing device (see column 4 lines 51-54 and column 4 line 62-column 5 line 5, microprocessor **40** enables downloading of data from memory **20**).

Regarding claim 6, Benjamin further discloses using said web content on said memory module through said web content interface (see column 4 lines 51-54 and column 4 line 62-column 5 line 5, microprocessor **40** enables downloading of data from memory **20**, such as an internet address for a manufacturers website).

4. Claims 27-28 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips and Ohara as applied to claims 1 and 53 above, and further in view Richards et al. (US 6,532,351).

Regarding claims 27 and 54, Phillips discloses the ability to write content to the RFID memory module from a printing device or any device with an interrogating device (see column 3 lines 45-52) and storing said web content on said memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Phillips and Ohara do not disclose expressly receiving data specifying desired web content from a purchaser of a printing device consumable.

Richards discloses receiving data specifying desired web content from a purchaser of a printing device consumable (see Fig. 2, column 4 line 4-column 5 line 32, column 6 lines 10-16, and column 7 lines 36-64, reference states that any number of

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items can be stored on the memory module prior to shipping the printing device consumable).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the specifying of desired content from a purchaser of a printing device consumable, as described by Richards, with the system of Phillips and Ohara.

The suggestion/motivation for doing so would have been to provide stored content that will aid a user in using a printing device and therefore increase overall system efficiency.

Therefore, it would have been obvious to combine Richards with Phillips and Ohara to obtain the invention as specified in claim 27.

Regarding claims 28 and 55, Richards further discloses providing said printing device consumable with said memory module to said purchaser (see column 7 lines 36-64).

5. Claims 29-31 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips, Ohara, and Richards as applied to claims 27 and 54 above, and further in view of U.S. Patent Application Publication No. 2005/0240518 to Ishizuka.

Regarding claims 29 and 56, Phillips, Ohara and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser

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comprises receiving said web content through a terminal at a consumables sales facility.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility (see paragraphs 20-21).

Regarding claims 30 and 57, Phillips, Ohara and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network (see paragraphs 20-21).

Phillips, Richards, & Ishizuka are combinable because they are from a similar field of endeavor, printing device consumable that are purchased by a user/customer/purchaser.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the system of purchasing a printing device consumable, such as a toner/ink cartridge via a terminal connected over a network to a manufacturer/sales facility, as described by Ishizuka, with the system of Phillips, Ohara and Richards.

The suggestion/motivation for doing so would have been to enable a user to purchase the correct consumable item by providing the appropriate information and having the item shipped to the user, which is well known in the art and commonly utilized.

Therefore, it would have been obvious to combine Ishizuka with Phillips, Ohara and Richards to obtain the invention as specified in claims 29-30.

Regarding claims 31 and 58, Ishizuka further discloses wherein said computer network comprises the Internet (see Fig. 1 and paragraph 20).

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips and Ohara as applied to claim 32 above, and further in view of Richards.

Phillips and Ohara do not disclose expressly wherein said wireless interface comprises an infrared interface.

Richards discloses wherein said wireless interface comprises an infrared interface (see column 5 lines 10-14).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the infrared wireless interface, as described by Richards, with the system of Phillips.

The suggestion/motivation for doing so would have been to have an alternative wireless connection to a radio frequency interface, both of which are well known and commonly used wireless interfaces.

Therefore, it would have been obvious to combine Richards with Phillips and Ohara to obtain the invention as specified in claim 35.

(10) Response to Argument

Applicant's arguments, specifically pages 9-25 of the Appeal Brief dated 4/28/09, regarding the rejection of claims 1-6, 27-37, and 53-58 have been fully considered but they are not persuasive.

Regarding claims 1-3, 32, 36, and 53, the applicant asserts that the combination of Benjamin (US 6,113,208) and Ohara (US 2003/0234957) does not disclose "web content" and also does not disclose "wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server". The examiner respectfully disagrees as the combination of Benjamin and Ohara does disclose such features. Particularly, "web content", per the applicant's specification, may include any information or programming used as, or as part of, a web page or a link, among a number of other things, (paragraph 20). Benjamin discloses and ink cartridge **14** with an attached memory chip **20** which upon insertion of ink cartridge **14** into printer **1** is electrically coupled to the microprocessor within printer **1** (column 3 lines 11-20). Benjamin further discloses memory chip **20** storing such information as messages to be automatically displayed to a user, such as a message indicating the availability of new printer driver software that is a newer version than the printer driver installed on printer **1** (column 3 lines 31-45). Benjamin even further discloses that memory chip **20** may store and provide a listing of an internet address where the new printer driver can be ordered, and still further the data read from the memory cartridge can automatically cause the printer's host processor to connect to the

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manufacturer's Internet website, where the user would have the opportunity of directly downloading an updated driver column 4 lines 5-11). Benjamin also states that the invention also enables data to be downloaded from memory chip **20** into microprocessor **40** for control of processes within printer **1** (column 4 lines 51-53). Therefore, "web content", which is a web address of an Internet website that provides updated printer driver acquisition/downloading, is stored in a memory module, memory chip **20**, attached to a printing device consumable, the ink cartridge **14**. Ohara discloses a printer with an embedded web server **25** that creates and delivers a web page, which is specified by a URL (paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Benjamin and Ohara to arrive at a system that provides "web content" to a printing device using a memory module attached to a print consumable.

Regarding claims 1, 32-34, and 53, the applicant asserts that Phillips (US 6,332,062) and Ohara (US 2003/0234957) do not teach or suggest a method of providing "web content" to a printing device using a memory module attached to a print consumable. The examiner respectfully disagrees as the combination of Phillips and Ohara does disclose such a feature. Particularly, Phillips shows a toner cartridge **32** with an attached memory tag **36** that can store such information as a vendor URL and transmits this information to a printer upon installation of the toner cartridge into the printer (column 2 lines 15-18 and column 3 lines 10-13 and 21-65). A URL is interpreted as "web content" per the applicant's specification which states that web content may include any information or programming used as, or as part of, a web page

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or a link, among a number of other things, (paragraph 20), of which a URL is consistent with. Ohara discloses a printer with an embedded web server **25** that creates and delivers a web page, which is specified by a URL (paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips and Ohara to arrive at a system that provides “web content” to a printing device using a memory module attached to a print consumable.

Regarding claims 4-6 and 37, the applicant asserts that Benjamin (US 6,113,208), Ohara (US 2003/0234957), and Amro (US 6,507,762) do not disclose uploading a web content interface from said memory module to a memory of said printing device. The examiner respectfully disagrees as the combination of Benjamin, Ohara, and Amro do disclose such a feature. Particularly, Benjamin discloses electrical coupling of memory chip **20** with the microprocessor **40** of printer **1** and also communication of information from memory chip **20** and microprocessor **40** in the form of messages or downloadable data, thus some type of interface must be present for such communication to take place. Amro discloses uploading of an interface that provides communication between two devices, in this case an appliance and a portable digital device. When taking the combination of Benjamin, Ohara, and Amro as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in such a way that a web content interface was uploaded to allow communication between the memory module and the printer. Installation or uploading of an interface to provide devices with single or even bi-directional communication is well known and commonly used in the art.

Regarding claims 27-28 and 54-55, the applicant asserts that Richards (US 6,532,351) does not disclose or suggest “web content” or any type of data that is received from a purchaser of a printing device consumable. The examiner respectfully disagrees as Richards does disclose, or at the very least, suggest such a feature. Particularly, Richards states that information such as the identity of the end user intended to receive the module in the mail, or a particular service contract number under which the packaged module is sent can be stored in the customer replaceable unit monitor (CRUM) memory that is attached to a consumable, which is information tied to a purchaser of a printing device. When taking the combination of Phillips, Ohara, and Richards as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in such a way that a purchaser could specify desire web content, such as a URL to the vendor’s web page, which is described in Phillips, and store this information in the memory attached to a consumable prior to the consumable being sent to the end user/purchaser, as described in Richards.

Regarding claims 29-31 and 56-58, the applicant asserts that Ishizuka (US 2005/0240518) fails to teach or suggest “receiving web content” from a purchaser. The examiner would like to point out that the reference of Ishizuka was used to show that it is known in the art that ordering consumables can take place at a terminal at a consumables sales facility. Ishizuka states that customer computer **100** is a computer used by an entity including a person, company, corporation, or any other entity which desires to obtain or purchase some type of goods or services (paragraph 20). When combination of Phillips, Ohara, Richards, and Ishizuka as a whole, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in such a way that a purchaser could specify desired web content, such as a URL to the vendor's web page, which is described in Phillips, and store this information in the memory attached to a consumable prior to the consumable being sent to the end user/purchaser, as described in Richards, the purchaser being at a terminal at a consumables sales facility, as described by Ishizuka.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mark R. Milia/

Examiner, Art Unit 2625

Conferees:

David Moore

/David K. Moore/

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